



Promoting and monitoring the educational attainment, progress and school attendance of children placed with foster carers

**The Local Authority Fostering Service (Wales) Regulations 2018
Regulation 27**

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1. Introduction

This procedure describes the process for monitoring the educational attainment, progress and school attendance of children placed with foster carers as set out in Regulation 27 of the Local Authority Fostering Services (Wales) regulations 2018 and code of practice relating to these regulations.

2. Scope

Regulation 27 of the Local Authority Fostering Services (Wales) Regulations 2018 places a duty on the local authority to ensure that the educational attainment of children placed with foster carers is promoted.

In particular, the local authority must establish a procedure for monitoring the educational attainment, progress and school attendance of children placed with foster carers. The local authority must, in relation to school aged children, put arrangements in place to ensure that foster carers promote the children's regular attendance at school and participation in school activities. The local authority must also provide foster carers with information and assistance as may be necessary to meet the educational needs of children placed with them.

The local authority must have arrangements in place to ensure the educational attainment of children placed with foster parents is promoted, in line with the child's Care and Support/ Pathway Plan, including the Personal Education Plan.

The local authority must ensure that foster carers promote the leisure interests and activities of children placed with them and support them to engage in play and recreational activities appropriate to the child's age and to participate freely in cultural life and the arts.

Where any child placed with foster carers has reached the age where they are no longer required to receive compulsory education, the local authority must assist with arrangements in respect of the child's education, training and employment and ensure that arrangements are in place to support preparation for adulthood and independence. This process is supported by our Pathway to Work programme.

3. The educational performance of children looked after

While some children and young people who are looked after do well in education, some do not achieve their true potential and do not perform as well in education as those children who are not looked after.

When the educational performance of children looked after is compared with their peers who are not looked after, there is a significant gap in performance which grows as children progress through their school lives.

The result of this inequality is that fewer young people who have experienced being looked after, proceed to college, university or well-paid jobs. There is also a greater risk of these young people disengaging from society and coming into contact with the criminal justice system. There are a variety of reasons for this which will not be discussed in this document.

4. Education stages

The education system in the UK is divided into four main parts: primary education, secondary education, further education and higher education. The New Curriculum for Wales (2022) ensures a continuum of learning for pupils aged 3-16. National Curriculum levels will be replaced by progression steps and assessment will be on a continuum of learning, recognising that pace of learning will differ for each individual pupil. Each area of learning and experience (AOLE) offers guidance on how learners should progress within each statement. These are arranged in 5 progression steps which provide reference points for pace for progression (broadly relating to expectations at age 5,8,11,14 and 16.)

5. Children looked after – attendance at school

It is a legal requirement that children and young people attend school regularly and on time. Children looked after should attend suitable education on a full-time basis from the September after their 4th birthday until the last Friday in June in the school year in which they turn 16.

Foster carers are expected to do what a parent would do in order to ensure that the child attends school. Foster carers are expected to inform the child's social worker and CLA education coordinator if they have concerns about attendance and ensure that any concerns are raised at the child's CLA review meeting.

Children looked after should only be absent from education for the following reasons

- Illness – foster carers are expected to make contact with the school each day that the child is absent. Absences exceeding 5 days should be supported by a GP sickness certificate.
- Where the child has received a fixed term or permanent exclusion
- Absence to attend medical appointment, CLA reviews. These will normally be authorised, although it is expected that these will take place outside school hours wherever possible and will not coincide with school exams.
- Other extremes such as funerals and special family occasions.

Non-attendance that has not been authorised as above will be treated as a serious matter by all agencies concerned. Action should be taken early where children's attendance is causing concern. If there are any concerns or you wish to take the child from school, please contact the child's social worker and your supervising social worker to discuss in advance wherever possible.

The important factor here is that there is documented evidence that you as a foster carer have actively sought to address the issue and have attempted to work positively with other professionals. Despite not being legally responsible for the looked after child, fixed penalty notices are applicable to foster carers as well as to birth parents.

6. School admission process for children looked after

The arrangements for school admissions in Wales are contained in the Welsh Government School Admissions Code.

The Education (Admission of Looked After Children) (Wales) Regulations 2009 places a duty on admission authorities to admit children who are looked after where an application for admission is made outside the admissions round by a corporate parent.

The corporate parent must consult the relevant admission authority prior to making the application and make every effort to ensure the appropriateness of the school in light of the child's needs.

The admission authority will consider each individual application received by the published closing date. If the number of applications for an individual school is greater than the admission number, the allocation of places will be carried out using a set criteria and priority will be given to children looked after following consultation on the appropriateness of the named school.

Applications for school places must be made in accordance with the individual arrangements of each local authority. The CLA education coordinators must be made aware of all school applications being made.

An admissions appeals process is available. The School Admissions and Schools Admissions Appeals Code 2013 sets out these arrangements.

The CLA education coordinators will provide advice and guidance in these matters.

7. The role of the CLA education coordinator and mentors

Every Local Authority in Wales is expected to have a specialist practitioner - the CLA Education Coordinator, whose primary role is to act as a champion for children looked after and coordinate all aspects of their education.

The CLA education team sits within Children's Services, with close links to the Learning Department. It is line managed by the CLA Education Team Manager/CLA Education Coordinator. The team includes 3 Learning Support Officers and a part time Personal Education Plan Coordinator.

The CLA education coordinators work closely with schools, colleagues within children's services, education and foster carers as well as outside agencies to ensure that those children looked after by Merthyr Tydfil County Borough Council have access to good quality and appropriate education, and the necessary support to fulfil their potential.

The team is able to offer a range of interventions, examples including catch up/ transitional support, trauma informed schools interventions, ELSA and Lego Therapy. All LACES officers hold the Level 5 Diploma in Trauma Informed Schools and Communities. Regular liaison between the LACES team and the CLA Designated Person affords consistent opportunities to review progress, targets and support needs in line with the PEP.

8. The role of the foster carer

Foster carers are expected to support a child with their education.

Practical steps to achieve this include:

- Set up the child for success - having a full uniform which complies with the school policy, having a computer and internet access, and all the necessary school equipment to enable participation in all aspects of school life
- Help with homework and spending time reading, drawing and accessing educational material
- Provide a quiet space to complete their school work
- Keep open communication with school – keep school up to date with any significant changes, attend open evenings, parents evening and other school meetings and stay informed of the child's progress and hear of any particular concerns regarding school
- Make every effort to ensure the child attends school regularly and on time taking into account the impact of any placement move and consider any authorised absence required as a result of such a move. These considerations must be made in conjunction with the child's social worker
- Encourage and facilitate participation on school trips and in school activities
- Set clear and realistic expectations about their achievements and performance – openly communicate with the child in terms of what is expected of them
- Talk about the child's long-term goals and aspirations
- Help them to make and keep friends by supporting the child's interests and offering the opportunity to spend time with their friends outside school
- Maintaining participation in extra-curricular clubs when a child is placed with you
- In cases where there are school issues such as exclusions or concerns regarding behaviour, consult with the Local Authority and attend relevant meetings
- Wherever possible avoid taking holidays in term time. Any request for holidays in term time must have the approval of a Principal Officer in Children's Services
- Contributing to the child's PEP as required.

Foster carers are offered guidance in respect of providing opportunities within the home for the young person to practice essential life skills such as cooking, cleaning and washing.

Foster carers are encouraged and supported by the young person's advisor and social worker to implement pathway plan to help the young person develop these key skills.

Foster carers are expected to promote the leisure activities and interests of the children placed with them.

Attendance at recreation and leisure activities including after school clubs should be discussed at the matching stage of a placement and maintained wherever possible.

9. The role of the designated person for children looked after

The Children and Young Persons Act 2008 (section 20) introduced arrangements which require the governing body of all maintained school in Wales to designate a member of staff as having the lead responsibility for promoting the educational achievement of children looked after in the school.

The designated teacher for children looked after has a central role in ensuring the positive wellbeing and experiences for children looked after as a pupil in their school.

The key functions include:

- Keep accurate and comprehensive records about all children looked after in their school
- Ensure a smooth and welcoming induction for the child, noting any specific requirements, including the care status
- Ensure a Personal Education Plan is completed in readiness for the first CLA review or in an emergency, within 10 days of becoming looked after, and updated in line with CLA reviews.
- Maintain the Personal Education Plan, setting out how they will be supported in school to ensure that their targets are met.
- Act as an advocate for the children looked after within the school
- Provide a key person to whom children looked after can go to for support

- Attend CLA reviews and provide written information
- Encourage children looked after to participate in extra-curricular activities and out of hours learning, where feasible
- Ensure speedy transfer of information between individuals and other relevant agencies and to a new school upon a move
- When a child looked after is experiencing difficulties in school and/or is in danger of being excluded seek consultation with relevant parties (which much include the CLA education coordinator, child's social worker and foster carer). This includes any proposal for a reduced timetable
- Ensure that any safeguarding concerns are reported promptly and following normal safeguarding procedures

10. Monitoring and reporting the educational performance of children looked after

Progression data for individual children looked after is gathered from personal education plans in line with the CLA review progress. Annual reports are to be presented to the Local Authority's Corporate Parenting Board on all aspects of education provision for children looked after.

Six monthly quality of care reports are completed by the fostering team manager. In addition, the educational attainment, exclusions and destinations of children looked after who have completed their compulsory education, are reported to Education and children's services management team annually. The progress of children looked after is considered within their Children Looked After reviews.

Any concerns regarding progress due to foster carer poor practice is to be raised with the Foster Wales Merthyr Tydfil Team Manager who will consider any actions; this is also to be recorded within the foster carers annual review to ensure carers are aware of any concerns/worries.

11. The Personal Education Plan and CLA Review

The Social Services & Well Being Act notes the duty on the Local Authority to ensure that a Personal Education Plan (PEP) is in place for each child looked after.

‘Except where a child enters care in an emergency, the PEP must be initiated as part of the Part 6 Care and Support Plan before the young person becomes looked after. In an emergency placement, the PEP should be initiated within ten working days.

A PEP is an individual plan that sets out the child’s educational needs, targets for improvements in attainment and wider educational outcomes. The PEP acts as a record of progress against highlighted developmental and educational needs (short and long term).

Following the initial plan, the PEP is updated in line with each CLA review. Those contributing to the formulation and review of the PEP include: the CLA education team, school, the child, social worker and foster carers.

In line with the requirements of the ALNet Act, for learners with identified ALN, the Individual Development Plan (IDP) is incorporated into the child’s PEP.

12. Education training for foster carers

The Children Looked after Education Team offer a range of training to schools, foster carers and others who support children looked after. An annual training calendar is produced and shared with relevant individuals/agencies, but examples include CLA Designated Person training, Trauma Informed Schools UK training and Section 31 training, feelings focused training delivered by care experienced individuals.

13. Foster carer annual reviews

Reviews for foster carers take place on an annual basis. Any concerns raised by professionals should be noted within the annual review. Any concerns would also be logged by the Foster Wales Merthyr Tydfil Council Team Manager.

Any areas for development are identified and addressed promptly either by the school, the CLA education team or the Foster Wales Merthyr Tydfil Team, depending upon the nature of any issues raised.

14. Children looked after with Additional Learning Needs

The individual learning needs of children looked after will largely be met through universal provision. For those who have ALN requiring additional learning provision, an Individual Development Plan (IDP) will be put in place.

Schools work within a framework called The Additional Learning Needs and Education Tribunal (Wales) Act 2018. This identifies ALN as:

- (1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.
- (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
 - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
 - (b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.
- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

Under the ALN system, duties to identify ALN and prepare and maintain IDPs in respect of looked after children ***are placed on the local authority that looks after the child*** rather than, as is the case in respect of other children, the maintained school they attend and the local authority responsible for them.

This is to ensure that the authority responsible for planning for the child's needs, including educational needs, is also responsible for planning and meeting their ALN. This is to allow for a more holistic approach to meeting the educational and other needs of looked after children who are looked after with ALN.

The position is however different if the child who is looked after is not in the area of a local authority, for example, if the child is in the area of a local authority in England following a long-term placement there.

Where a local authority has prepared an IDP for a looked after child, it **must** maintain that IDP, provided the child is in the area of a local authority. This is any local authority in Wales and not just the one that looks after the child.

But if the child were in the area of a local authority in England, the local authority that looks after the child would not, or no longer, have to maintain the IDP

<https://gov.wales/additional-learning-needs-and-education-tribunal-wales-act>

The most frequent types of ALN associated with children looked after are social, emotional and behavioural difficulties.

Children with IDPs should have them reviewed at least every 12 months. All key individuals within the team around the child should be invited to the Annual Review and complete the person-centred capture tool in advance of the meeting. The review should consider whether the IDP still reflects the child or young person's learning needs, or whether they have changed, and if the support provided is still appropriate for meeting those needs.

15. Exclusions

Welsh Government guidance 'Exclusion from schools and pupil referral units' (2019) covers the exclusion of all learners.

Schools should be especially sensitive to exclusion issues where children looked after are concerned. Schools should try every practicable means to maintain the child in school and should seek local authority and other professional advice as appropriate. Local authority children's services departments should in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the learner.

A school's decision to exclude a child or young person for a defined period or permanently, should be a last resort and it is only the head teacher, or an agreed representative, who can sanction this.

There are three types of exclusions:

- **Internal exclusion** – where a child or young person may be removed from class but not excluded from the school premises. The exclusion could be to a designated area within the school, under supervision, or to another class on a temporary basis. This does not count as a formal exclusion.
- **A fixed term exclusion** – which will normally be for a short period of one to three days. A child or young person can be excluded for one or more fixed-terms not exceeding 45 school days in any one school year. Individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the child or young person to reintegrate into the school.
- **Permanent exclusion** – this is very serious and the child or young person cannot return to that school, unless reinstated by the school's discipline committee or by an appeal panel.

There are appeal processes and the school must tell parents and carers about these. In cases where a child who is looked after is excluded, anyone who is acting as a parent/carers will have the right to make representations and to appeal.

For longer periods, when the total in a year reaches 45 days, or permanent exclusion, a discipline committee made up of school governors meets to review and agree the decision.

Unlawful exclusions, more commonly referred to as informal or unofficial exclusions, are unlawful regardless of whether they are done with the agreement of parents or carers.

Unlawful, unofficial or informal exclusion refers to:

- sending learners home for disciplinary reasons, but not following the procedures required for formal exclusion
- learners being sent home for either short periods of time, or for longer indefinite periods which can sometimes result in the learner not returning to school at all.

In all cases of more than a day's exclusion, work should be set and marked. Head teachers must arrange for work to be provided as soon as a learner is excluded for a fixed-term. Parents/carers should arrange for the work to be collected and returned and the school must ensure that it is marked and that further work is set until the learner returns to school.

In the event of a fixed-term or permanent exclusion, the education co-ordinator should be informed by the school and the social worker.

15. Preparation for adulthood and independence

A pathway plan assessment is undertaken prior to the child's 16 birthday and post 16 education, employment and training options are considered. A Young Person's Advisor is also allocated. The young person, carer, social worker and young persons advisor all contribute to the pathway plan. Where young people turn 16 late in the academic year, the social worker will ensure discussions surrounding post 16 education options are undertaken in line with statutory visiting and intervention as per their child looked after (CLA) care and support plan. Referrals to the Local Authority Pathway to Work team can support this discussion and planning process.

Arrangements to access additional careers advice is available in order to support the young person to comprehensively consider all options available to them and subsequently choose a provision which is suited to their future ambitions and needs.

When a young person identifies a clear post 16 educational pathway, support is offered by the social worker/ young person's advisor and Pathway to work team (if appropriate) to access the chosen provision which can include introductory visits, completion of necessary enrolment tasks, complete financial support applications for EMA/necessary equipment and ensure access to any additional support services offered by the provider.

Young people are encouraged to be part of their pathway planning from the initial completion of the pathway plan assessment and initial plan in order to effectively identify their wishes for future living arrangements. The young person is encouraged to attend all subsequent pathway plan reviews in order to voice their views on their plan and how this is being implemented. The offer of an advocate is made routinely by the young person's social worker and/or personal advisor to ensure the young person has the opportunity to access an independent advocate who can share their views as part of review meetings.

Young people are encouraged to make choices about their accommodation options and offered information on those options available to them including the level of support available for each option, what is expected of them, financial responsibilities and any time limits associated with accommodation options (eg. how long you can stay in supported living provisions).

Individual support is also offered to each child looked after by the supervising social worker, child's social worker and young persons advisor which is relevant to the young person's individual move on plan. The young person is encouraged to engage in support sessions with their social worker and/or young persons advisor relating to "getting ready" for independence.

Feedback Form

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The **Policy Development Group** would value your suggestions and comments for consideration for the next **Review**. We would really like your feedback on this document and would welcome your views on what should be added, taken away, or changed. We would also like to be advised of:

- Related evidence based practice or training issues
- Any areas of practice which would benefit service user care by being added to the document, or any other aspects of practice which should be included here
- Any factual errors or inaccuracies in the document
- Other related issues which would help inform the Policy.

Please use the space below and overleaf for your comments.

It would be helpful if you could date your comments.

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If you would like this information in another language or format, please Laura Roberts